

STATE OF MINNESOTA

IN SUPREME COURT

CX-01-926

PROMULGATION OF AMENDMENTS
TO THE RULES OF JUVENILE PROCEDURE

ORDER

On October 31, 2003, the court issued an order eliminating the mandatory transcription of guilty plea and sentencing hearings in adult criminal cases. A similar requirement currently exists in the Minnesota Rules of Juvenile Procedure with regard to extended jurisdiction juvenile proceedings. However, just as the purpose of the mandatory transcript rules in adult criminal cases can be met by alternative means that are more efficient, more effective and more consistent with current practice and with future technological needs, so can the purpose of the mandatory transcript rules in extended jurisdiction juvenile cases be met by alternative means. Accordingly, mandatory transcription in this context will be eliminated in favor of utilizing a standardized form to capture the adult stayed sentence and preparing transcripts of extended jurisdiction juvenile guilty plea, sentencing, or probation revocation hearings only when needed.

Now, therefore, the court being fully advised in the premises,

IT IS HEREBY ORDERED:

1. The attached amendments to the Minnesota Rules of Juvenile Procedure are prescribed and promulgated for the regulation of practice and procedure in juvenile delinquency matters in the courts of the State of Minnesota to be effective November 14, 2003.

2. Transcripts for extended jurisdiction juvenile guilty plea, sentencing, or probation revocation hearings held prior to November 14, 2003, shall be paid in accordance with Minn. R. Juv. P. 19.10, subd. 5 and 19.11, subd. 3(F) as they existed prior to the amendments provided for in this order if the transcripts for those hearings are filed within thirty days of the extended jurisdiction juvenile guilty plea, sentencing, or probation revocation hearing.
3. Form 17 is a model of the adult stayed sentence form provided for in Minn. R. Juv. P. 19.10, subd. 5, as amended by this order. The form will be made available in electronic format in the Court Rules section of the Supreme Court public website: <http://www.courts.state.mn.us>. The Supreme Court Technology Planning Committee is directed to develop, through the MNCIS project and in consultation with appropriate criminal justice partners, a standardized, uniform state-wide adult stayed sentence form or order that captures for immediate transmission essential sentencing information consistent with Minn. R. Juv. P. 19.10, subd. 5, as amended herein. The form shall be completed and implemented in conjunction with the MNCIS rollout.
4. Court reporters and operators of electronic recording equipment shall file the stenographic notes or tape recordings of extended jurisdiction juvenile guilty plea, sentencing, or probation revocation hearings with the court administrator within 90 days of the sentencing or probation revocation hearing. The reporter or

operator may retrieve the notes or recordings if necessary. Minnesota Statutes § 486.03 (2002) is superceded to the extent that it conflicts with this procedure.

5. No charge may be assessed for preparation of a transcript for the district court's own use. Any person authorized to obtain a transcript pursuant to Minn. R. Juv. P. 29.02 may order a transcript at his or her own expense. Any other person may order a transcript at his or her own expense if the proceedings are open to the public pursuant to Minn. Stat. § 260B.163, subd. 1(c)(2) (2002).
6. The maximum rate charged for the transcription of any proceeding shall be established by the Conference of Chief Judges. Minnesota Statutes § 486.06 (2002) is superceded to the extent that it conflicts with this procedure.
7. The Supreme Court Advisory Committee on General Rules of Practice shall draft rules in accordance with paragraphs 4, 5, and 6 of this order, and may recommend additional procedures for ensuring the availability and transcribability of the record, such as requiring that the court reporter file or make available his or her personal stenographic dictionary.

DATED: November 10, 2003

BY THE COURT:

/s/ _____
Kathleen A. Blatz
Chief Justice

AMENDMENTS TO THE RULES OF JUVENILE PROCEEDURE

1. Rule 19.10. Disposition

Amend Rule 19.10, subds. 4 and 5 as follows:

Subd. 4. Venue. If the child's county of residence is not the same county where the offense occurred, venue of the case may be transferred as provided by Minnesota Statutes, section 260B.105. The conditions under which the execution of any adult sentence are stayed shall be determined by the juvenile court having jurisdiction to impose and supervise any juvenile court disposition. The stayed adult sentence may be pronounced by the judge who presided over the trial or who accepted a plea of guilty. If venue for the juvenile disposition is being transferred to the child's county of residence, prior to making the transfer, the transferring court shall prepare and file with the receiving court, a copy of the juvenile's file, including any the plea and sentencing transcript, if any, and the adult stayed sentence form or order.

Subd. 5. Record of Proceedings. (A) Upon a plea of guilty after a child has been determined to be an Extended Jurisdiction Juvenile, ~~any~~ a verbatim record shall be made of the plea and sentencing proceedings. ~~shall be transcribed and filed with the court administrator within thirty (30) days after the date of sentencing.~~

(B) A record of the adult stayed sentence shall also be recorded in a sentencing form or order that, at a minimum, contains:

(1) the child's name;

(2) case number;

(3) for each count:

(a) if the child pled guilty to or was found guilty of the offense:

(i) the offense date;

(ii) a citation to the offense statute and level of offense;

(iii) the precise terms of the adult criminal sentence, and that execution has been stayed;

(iv) the level of sentence; and

(v) the amount of time spent in custody, if any; or

(b) if the child did not plead guilty to or was not found guilty of the offense, that the child was acquitted or the count was dismissed; and

(4) the signatures of the sentencing judge and child.

Where venue is transferred as provided in subdivision 4, a copy of the transcript, sentencing form or order shall be immediately prepared and filed with the transferring court.

2. Rule 19.11. Revocation

Rule 19.11, subd. 3 (F) shall be repealed.

~~(F) Any verbatim record of Extended Jurisdiction Juvenile probation revocation hearings shall be transcribed and filed with the court administrator within thirty (30) days of the date of sentencing.~~

3. Rule 29.01. Procedure

Amend Rule 29.01 as follows:

A verbatim recording of all hearings shall be made by a stenographic reporter or by an electronic reporter. If the recording is made by an electronic reporter, any ~~required~~requested transcripts shall be prepared by personnel assigned by the court.

4. Insert the following as Form 17: *(shown on next page)*

Form 17 – EJJ Adult Stayed Sentence

State of Minnesota

District Court

County

Judicial District

Case Number

State of Minnesota

vs.

CRIMINAL JUDGMENT / WARRANT OF COMMITMENT

_____, Defendant.

TERMS AND CONDITIONS OF SENTENCE

Date Pronounced: _____

Charge Resulting in Plea or Finding of Guilt	Minn. Stat. §	Count	Level of Offense

Offense Date: _____ Non-Conviction Dispositions: Count Number(s): _____ ☐ Dismissed ☐ Acquitted

☐ FELONY LEVEL SENTENCE

- ☐ Imposition of sentence is stayed for _____ years, _____ months, and _____ days; **OR**
- ☐ Commitment to the custody of the Commissioner of Corrections for _____ years, _____ months, and _____ days. The sentence consists of two parts: a minimum term of imprisonment equal to two-thirds (2/3) of the total executed sentence, and a maximum supervised release term equal to one-third (1/3) of the total executed sentence.
 - ☐ Execution of this sentence is stayed for _____ years, _____ months.
 - ☐ Execution of this sentence is stayed until the EJJ offender's 21st birthday on the condition that the EJJ offender not violate the terms of the juvenile disposition and not commit a new offense.
- ☐ Defendant shall pay a fine of \$_____, of which \$_____ is stayed for _____ years, _____ months.
- ☐ Other _____

☐ MISDEMEANOR ☐ GROSS MISDEMEANOR LEVEL SENTENCE

- ☐ Stay of imposition for _____ years, _____ months; **OR**
- ☐ Sentenced to jail for _____ days at this location: _____. In lieu of jail, may serve: _____. ☐ Execution of this sentence is stayed for _____ years, _____ months.
- ☐ Defendant shall pay a fine of \$_____, of which \$_____ is stayed for _____ years, _____ months.

☐ **JAIL CREDIT:** Credit for time spent in custody: _____ days.

☐ **SENTENCE DEPARTURE:** Sentence departs from the presumptive sentence under the Minnesota Sentencing Guidelines. **Attach a departure report.** Send a copy of this form and the attached departure report to the Minnesota Sentencing Guidelines Commission.

☐ **PROBATION:** The Defendant is placed on probation.

FINANCIAL CONDITIONS

The following financial conditions also apply to Case# _____ Count(s) _____.
Fine Imposed \$_____ Fine Stayed \$_____
Restitution jointly and severally with: _____.

- ☐ Restitution \$_____
- ☐ Surcharge \$_____
- ☐ Law Library \$_____
- ☐ Court Costs \$_____
- ☐ Chem Fee \$_____
- ☐ Other: _____ \$_____
- ☐ Other: _____ \$_____

TOTAL \$_____

ADDITIONAL CONDITIONS

- ☐ _____ days in jail as a condition of a stayed sentence. In lieu of jail, defendant may: _____.
- ☐ Commit no felonies, gross misdemeanors or misdemeanors.
- ☐ No alcohol/illegal drug use. ☐ Enforce with random drug testing.
- ☐ Complete these evaluations/programs and follow recommendations:
 - ☐ Domestic Abuse ☐ Chemical Dependency
 - ☐ Sex Offender ☐ Psychological Evaluation/ Counseling
 - ☐ Other: _____
 - ☐ Other: _____
- ☐ _____ hours community service by _____.
- ☐ Other: _____
- ☐ Other: _____
- ☐ Other: _____

COMMENTS:

Sentencing Judge:

Date:

I understand the terms and conditions of my sentence:

Defendant:

Date: